

REMARKS

Claims 1-26 and 28-33 were pending at the time of the Office Action. Claims 5, 14, and 22 have been cancelled. Claims 1, 6, 9-11, 13, 15, 18-21, 26 and 28-31 have been amended. Claim 34 has been added. These amendments add no new subject matter and are supported by the specification at page 4, lines 10-13; page 9, lines 21-23; page 10, lines 6-7; Fig. 7 and original claims 13, 14 and 22, among other places.

Applicants note with appreciation that Claims 29, 30, 32 and 33 have been allowed and that Claims 5-8, 12, 14-16, 22 and 24-25 have been found to contain allowable subject matter.

Claim 28 stands rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,964,519, issued to Chun-Ying. The Chun-Ying patent describes a reading lamp assembly, which includes a reading lamp, a music box and a fragrance holder. As can be seen in Figs. 2 and 4 of the Chun-Ying patent, timer circuit 3 receives electrical current from a flexible electrical power cord (not numbered), presumably leading to a conventional wall plug. However, the Chun-Ying patent is silent on the subject of a fragrance system comprising a warmer and a receptacle having a neck, wick and liquid fragrance, as recited in Claim 28. Additionally, the Chun-Ying patent does not disclose a housing that contains an opening to accommodate the receptacle, the opening and the receptacle having cooperating connectors that interconnect to retain the receptacle in the housing during use and operation of the apparatus, as recited in claim 28. Therefore, the rejection of claim 28 under §102(e) is inappropriate and should be withdrawn.

Claims 1-4, 9-11, 13, 17-20, 23, 26 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,527,402, issued to Borri, in view of U.S. Patent No. 5,111,477, issued to Muderlak. However, the Borri patent does not teach or suggest that a fragrance is obtained from a gel pack, as now recited in claim 1. In contrast, the Borri patent

describes a spray dispenser 4 for spray-dispensing a perfume product. (See column 1, lines 53–59.) Spray dispenser 4 is apparently inoperable for dispensing fragrance obtained from a gel pack, as recited in claim 1.

The Muderlak patent cannot be relied upon to cure the deficiencies of the Borri patent because the Muderlak patent is also silent regarding a fragrance obtained from a gel pack, as described in claim 1. In contradistinction, the Muderlak patent describes a removable fragrance-emitting block or cartridge 110. (For example, column 5, lines 1–9.) Therefore, the rejection under §103(a) of claim 1 and dependent claims 2–4, 18–20 and 23 is inappropriate.

Claims 9–11, 13, 17 and 26 now depend from allowed claims and are, therefore, allowable.

Regarding claim 31, neither the Borri patent nor the Muderlak patent teaches or suggests an optical sensor for detecting movement or changes of light intensity in an area surrounding the apparatus and actuating the apparatus when such movement or light change is sensed, as now recited in amended claim 31. Therefore, the rejection under §103(a) of claim 31 is inappropriate. For the reasons stated above, the rejection under §103(a) of claims 1–4, 9–11, 13, 17–20, 23, 26 and 31 should be withdrawn.

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Borri patent in view of the Muderlak patent, and further in view of U.S. Patent No. 5,982,414, issued to Yoshida et al. However, dependent claim 21 now depends from allowed claim 32 and is, therefore, allowable. Consequently, the rejection of claim 21 under §103(a) should be withdrawn.

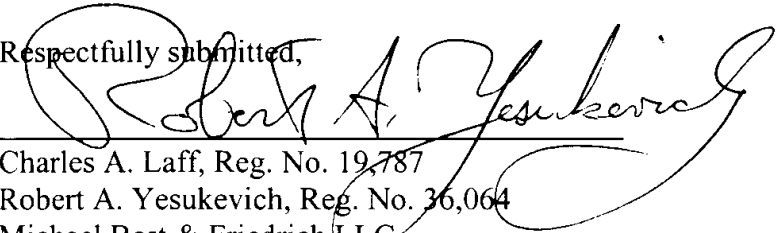
New Claim 34 is patentable over the Borri patent, the Muderlak patent, and the Yoshida et al. patent because no permissible combination of the teachings of these patents teaches or

suggests a control member for adjusting the amount of light, sound or fragrance emanating from the light, sound and fragrance systems, respectively, the control member being included in a housing, as recited in Claim 34.

Allowance of the subject application, including all pending claims, is courteously solicited. In the alternative, reconsideration of the subject application is sincerely requested.

Dated: JUNE 12, 2003

Respectfully submitted,



Charles A. Laff, Reg. No. 19,787
Robert A. Yesukevich, Reg. No. 36,064
Michael Best & Friedrich LLC
401 N. Michigan Avenue, Suite 1900
Chicago, IL 60611
(312) 222-0800
fax: (312) 222-0818

Attorneys for Applicant

S:\CLIENT\205492\0008\C0231058.1